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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 25 February 1994 from the Secretary of Foreign Affairs and Trade of Papua New Guinea addressed to the Chairman of the fiftieth session of the Commission on Human Rights

BOUGAINVILLE SITUATION - DRAFT RESOLUTION BEFORE COMMISSION ON HUMAN RIGHTS

Your Excellency, Papua New Guinea is once again not able to send a delegation to the session on the Commission on Human Rights now in progress in Geneva. I am prompted to write to you because my Government understands that there is a draft resolution before the Commission on the situation in Bougainville.

The Government of Papua New Guinea is alarmed to learn that, once again, some individuals are floating a draft resolution on Bougainville for the Commission on Human Rights' consideration. Such a move should not be entertained because it is born of ulterior motives and fails to appreciate the real issues that surround the Bougainville crisis.

Those who purport to represent the interest of the people on Bougainville are out to destabilize Papua New Guinea and violate its sovereign and territorial integrity.

We wish, with due respect, to submit to the Commission on Human Rights that such a resolution will serve no purpose whatsoever.

The Papua New Guinea Government maintains the stand that it alone can find its way out of this unfortunate crisis with minimal assistance from outside when it considers necessary. The situation requires close and focused attention and any external interferences would blur the situation and prolong the unfortunate crisis.

The Government is confident of resolving this situation in the near future.

Without overstating the case for the Government of Papua New Guinea it would be true to say that Papua New Guinea and its Government ranks with the best in its record of respect for human rights and fundamental freedoms.

From the very beginning of its life in 1975 as an independent State, Papua New Guinea has had embodied in its Constitution human rights provisions as entrenched fundamental rights and freedoms of the person.

These cover all internationally recognized human rights and more, including the liberty of the person, freedom from forced labour, freedom from arbitrary search and entry, freedom of conscience, thought and religion, freedom of expression, freedom of assembly and association, the right to freedom of employment, the right to privacy, right to freedom of information, right to freedom of movement, and the right to protection from unjust deprivation of property.

An honest assessment of the situation in Papua New Guinea should leave no one in doubt as to our good record in the observance and respect for human rights.

A closer look at the operation of some of these provisions in Papua New Guinea will be of appreciable value.

For example, political and extrajudicial killings are by all indications alien to the way of doing things in Papua New Guinea even in the most bizarre twists and turns of its political life.

The same applies to the disappearance of persons for politically related reasons.

Disappearance as a fact of political life is a practice which is unknown and unheard of in Papua New Guinea.

In fact, on present showing of the socio-political structure and mentality of a people steeped in Melanesian culture, such an occurrence would not only be completely out of step with out social norms, but also impossible to imagine or contemplate, because in Papua New Guinea each person is his brother's keeper, or more popularly referred to as the "wantoks" system. Hence, the wantoks would never accept any such thing as "disappearance" of their clan member.

Indeed the notorious practice of the proverbial "knock on the door" at dawn followed by an "invitation" from the security service into oblivion does not

and cannot exist in Papua New Guinea. Our culture insures us against this nefarious practice.

To the extent that lack of respect for human rights may be exhibited through torture and other cruel, inhuman or degrading treatment or punishment, the Constitution of our country specifically contains entrenched provisions forbidding such acts against the person.

However, it has been noted that spirited law enforcement agencies at times get carried away in the performance of their duties and step beyond the bounds of permitted use of force in their treatment of persons.

But this should not be an indictment of the Government on its human rights record.

The Government must be judged rather by the policies and procedures that have been put in place by the system to combat any such human rights abuses, and its implementation of these policies and procedures, especially through our independent and highly efficient judicial system.

And in this connection, Papua New Guinea shows a remarkable display of maturity in its provision of avenues to aggrieved persons to vindicate the violations of their human rights.

A notable case in point is that of a person who successfully sued for damages for loss of vision at the hands of the police.

Even the Papua New Guinea defence force has been taken to court for inflicting injuries on a person during their operations against criminals on Bougainville. In one instance, the claimant was a self-confessed supporter of the Bougainville Revolutionary Army (BRA).

And it is noteworthy to add that the whole process of the legal action may be at no cost to the aggrieved person, since he is entitled to be represented by the public solicitor free of charge.

But while we have a shining example of respect for human rights by the Government through the legal system, it must not be inferred that our defence force and law enforcement agencies have any less respect for human rights because they too provide the occasion for human rights enforcement.

Papua New Guinea's Bougainville situation has been the subject of disinformation, misinformation and completely unfactual presentation by the criminal organization and the so-called Bougainville Revolutionary Army (BRA) and its sympathizers. The draft resolution on Bougainville which will be placed before the current Commission session is yet again a misleading exercise.

In discussing the internal landowner uprising which later developed into what is now referred to as the Bougainville Crisis that has preoccupied our minds and resources for the last five years.

The issue in Bougainville has nothing to do with separatism. The separatist argument was developed as an ex post facto rationalization to give some colour of legitimacy to rebel activities and diverse atrocious deeds against the people and the State.

A perfectly legitimate resource benefit dispute between a mining company and the traditional landowners was taken advantage of by criminal elements whose activities derailed the negotiations for a just solution on compensation for the use of land for the development of the giant Panguna copper mine, which at the time was the biggest foreign exchange earner for the country.

The policy of the Government throughout this difficult period on Bougainville Island has been and still remains confined to working with the chiefs and other elected and traditional elders to restore services to the community.

The Bougainville situation is Papua New Guinea's internal matter and the Government feels that it can resolve the situation by itself. It does not feel the need at this time to request international assistance although it would like to, in the near future, invite certain interested parties who may wish to visit the island to see things for themselves.

Any attempt by anybody or any international organizations to impose their ideas on how Papua New Guinea might solve the problem would do more damage than good; therefore we appeal to the international community to allow the Government of Papua New Guinea and the chiefs and leaders on Bougainville to resolve this problem without undue influence.

Papua New Guinea is a reflection of many sides of the same culture, and we are one people and one nation. There are no minorities in Papua New Guinea. We are all of Melanesian indigenous stock, and there is no basis for any division or distinction whatsoever between people on Bougainville and those in other parts of Papua New Guinea.

I take this opportunity to inform you that Papua New Guinea is now in the process of setting up a national commission on human rights and in that regard it wishes to register its appreciation to the Centre for Human Rights for the advisory services rendered.

We are pleased to assure the Commission on Human Rights and the international community that the Papua New Guinea Government holds in high regard the human rights of its people which is guarantees in its national Constitution and stipulated under various United Nations conventions and frameworks.

I hereby request you to kindly have this letter distributed as an official document at the current session of the Commission on Human Rights.

(Signed): Gabriel Dusava